



PATENT  
Attorney Docket No. 101.0084-01000  
Customer No. 22882  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Gary K. Michelson, M.D. )  
)  
Serial No.: N/A ) (Group Art Unit: 3738)  
(Divisional of Serial No. 09/457,228) )  
)  
Filed: August 3, 2001 ) (Examiner: B. Snow)  
)  
For: SPINAL IMPLANT SURFACE )  
CONFIGURATION )



#2

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Unless otherwise indicated, copies of the listed documents were previously submitted or cited by the Examiner in a prior application, serial no. 09/457,228, filing date December 8, 1999, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant(s) determine(s) that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 3, 2001

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